

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, JUNE 6, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
CHARLES OLIVER, MEMBER
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Commission was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and the following items were tabled; #4 indefinitely, #5 to July 3, 2006 and #11 to June 20, 2006.

MOTION by AUSILIO seconded by PENZIEN to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on May 16, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by OLIVER seconded by THOEL to approve the minutes of the meeting of May 16, 2006 as presented.


MOTION carried.

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AGENDA ITEMS

4. **Public Hearing on proposed Zoning Ordinance Amendments – Prohibiting ZBA from considering or issuing use variances.**

This matter was tabled indefinitely at the request of the Township Attorney.

5.  **Revised Site Plan & Ground Sign Review; Kroger at Macomb Park;** Located on the southwest corner of 26 Mile and Romeo Plank Road; Romeo Plank Commons, LLC, Petitioner. Permanent Parcel No. 08-06-200-049. ***(Tabled from 5/16/06)***

This matter was tabled to July 3, 2006, at the petitioner's request.

6.  **Site Plan Review; Metro PCS Collocation at Nextel Tower;** Located on the east side of Hayes Road, north of 22 Mile Road; Metro PCS, Petitioner. Permanent Parcel Nos. 08-19-300-012.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Robert Przybylo, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by AUSILIO seconded by PENZIEN to approve the revised site plan with the standard conditions of the Planning Commission and the conditions of the approval of December 7, 2004, including:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
3. **The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**

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4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be

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constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.

14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit two (2) plans on 11" x 17" paper.
16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
17. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
19. That all requirements of the Zoning Ordinance be met.
20. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
22. That the petitioner will provide assurances that the trash dumpster and outside storage will be situated inside the building. It is suggested that the special land use permit be revised to include the dumpster and outside storage as a condition.

MOTION carried.

7.  **Special Land Use; The Golden Hanger;** Located in the Crosswind Corners Shopping Center, on the northeast corner of Hall Road and Hayes Road; Dan Hadel, Petitioner. Permanent Parcel No. 08-31-300-025.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.


MOTION by OLIVER seconded by KOEHS to approve the Special Land Use permit for a dry cleaning facility. Since the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a), as follows:

- 1. The proposed dry cleaning facility will be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
- 2. The proposed dry cleaning facility will be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
- 3. The proposed dry cleaning facility will be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**
- 4. The proposed dry cleaning facility will be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.**
- 5. The proposed dry cleaning facility relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.**
- 6. The proposed dry cleaning facility is necessary for the public convenience at the proposed location.**
- 7. The proposed dry cleaning facility is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.**

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8. **The proposed dry cleaning facility will not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.**

MOTION carried.

8.  **Ground Sign; Margherita Estates;** Located on the west side of Card Road, north of 22 Mile Road; Cook's Sign Plus, Petitioner. Permanent Parcel No. 08-22-400-014.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.


It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses further considerations, separate applications must be submitted.

The Consultant suggests that a \$500 bond be posted assuring the construction of the signs as approved. Upon request by the petitioner for a final inspection and subsequent approval by the Building Department the bond can be released.

MOTION by AUSILIO seconded by KOEHS to approve the ground sign as requested with the following standard conditions:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That the ground sign be limited to 32 square feet.**
3. **That a \$500 cash bond be posted assuring the construction of the sign as approved.**

MOTION carried.


9.  **Extension of TPP; Battaglia Sub;** Located on the east side of North Avenue, north of Hall Road; Thomas Kellogg, Petitioner. Permanent Parcel No. 08-36-303-024.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. The Township Board of Trustees approved the Tentative Preliminary Plat for the Battaglia Subdivision on June 23, 2004. On June 22, 2005 the Board approved a one year extension. He stated further that he has reviewed the file and finds no objection to the extension of time for the approval of the Tentative Preliminary Plat of Battaglia Subdivision for one more year.

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MOTION by KOEHS seconded by THOEL to approve the extension of the Tentative Preliminary Plat for the Battaglia Subdivision, Permanent Parcel No. 08-36-303-024.

MOTION carried.

10.  **Extension of Site Plan; Park Lane Plaza;** Located on the northeast corner of North Avenue and 21 Mile Road; Nicholas Lubnik, Petitioner. Permanent Parcel No. 08-25-351-011.


Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. The Township Planning Commission approved the site plan for the Park Lane Plaza at its meeting of June 1, 2004. On April 19, 2005 the Planning Commission approved a one year extension for the site plan. He further stated that he has reviewed the file and finds no objection to the extension of time for the approval of the Park Lane Plaza for one more year.

MOTION by OLIVER seconded by KOEHS to approve the extension of Site Plan for Park Lane Plaza, located on the northeast corner of North Avenue and 21 Mile Road, Permanent Parcel No. 08-25-351-011.

MOTION carried.

11.  **Extension of Tentative Preliminary Plat; Milano Industrial Sub #3;** Located on the north side of 23 Mile Road, approximately ½ mile east of Hayes Road; Leone Construction Co., Petitioner. Permanent Parcel No. 08-18-400-014.

This matter was tabled to June 20, 2006.

12.  **Revised Site Plan; Unit 11 – Macomb Industrial (Tower Plastics);** Located on the west side of Industrial Drive, approximately 1600 feet north of 23 Mile Road; MGG, LLC, Petitioner. Permanent Parcel No. 08-18-326-011

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Gregory Iacobelli, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by KOEHS seconded by AUSILIO to approve the Revised Site Plan with the following standard conditions of the Planning Commission, including:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**

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2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be

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compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.

10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.

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19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

25. Revised plans be submitted indicating the following items:
 - a) The sound deadening in the form of plastic strips or equivalent must be provided for the 2 overhead truck doors and 1 man door on the west elevation, in lieu of the 600' distance requirement from the residential district.

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- b) **The sprinkling of the building or loop watering system as required by the fire department.**
- c) **The relocation of plantings along Industrial Drive to the satisfaction of the Water and Sewer Department.**

It is also suggested that the Planning Commission move to receive and file all correspondence in connection with this item.

MOTION carried.

13. **Motion to receive and file all correspondence in connection with this agenda.**

MOTION by PENZIEN seconded by AUSILIO to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS

PLANNING COMMISSIONERS COMMENTS

ADJOURNMENT

MOTION by AUSILIO seconded by KOEHS to adjourn the meeting at 7:37 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary